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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,868	06/26/2003	Michael D. Senger	FS-00802	1430
7055 7590 01/04/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER CZEKAJ, DAVID J	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			01/04/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/603,868	<b>Applicant(s)</b> SENGER, MICHAEL D.	
	<b>Examiner</b> Dave Czekaj	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 6-9 and 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

On pages 7-12, applicant argues that Rosenbaum fails to disclose determining whether an estimated time exceeds a threshold. While the applicant's points are understood, the examiner respectfully disagrees. See for example Rosenbaum column 4, lines 20-25. There Rosenbaum discloses that a video scanner processes mail at a rate of 10 pieces per second. In order to prevent a backlog of mail pieces, a time comparison must be present in order to correctly sort the mail. Further, Rosenbaum discloses in column 4, lines 25-39, placing mail in a delay loop in the OCR does not recognize the mail piece. The examiner notes that a comparison with a threshold must be made in order to know when to place the mail in the loop. Otherwise, the mail would be held indefinitely. Therefore the rejection has been maintained.

On page 12, applicant argues that the modification would render the prior art unsatisfactory. While the applicant's points are understood, the examiner respectfully disagrees. The examiner notes that time comparisons are well known in the art to be contained within time-based production systems. Since Rosenbaum discloses a system which has to meet time constraints before be passed along to another part of the system, the modification would not render the prior art unsatisfactory. Therefore the rejection has been maintained.

On pages 15-17, applicant argues that Manduley fails to disclose the weighted average response time. While the applicant's points are understood, the examiner respectfully disagrees. The examiner relied upon Manduley to teach the average

response time (in which Manduley discloses in column 2, lines 29-31) and Rosenbaum to disclose the weighting (in which Rosenbaum discloses in column 5, lines 10-20, wherein the weighting is the priority). Hence, the combination taken as a whole, teaches the limitations as claimed. Therefore the rejection has been maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 10, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenbaum et al. (6917009), (hereinafter referred to as "Rosenbaum").

Regarding claims 1 and 15, Rosenbaum discloses an apparatus that relates to the field of mail processing (Rosenbaum: column 1, lines 14-16). This apparatus comprises "sending image data for unresolved information to a video coding station" (Rosenbaum: column 4, lines 54-56; column 5, lines 7-22, wherein the unresolved information is the rejected mail pieces). Although Rosenbaum fails to disclose determining if an estimated time exceeds a threshold, Rosenbaum does disclose processing mail at a rate of 10 pieces per second (Rosenbaum: column 4, lines 22-24). Rosenbaum further illustrates sending rejected mail to a holding bin after 3 processing steps (Rosenbaum: figure 3, wherein the processing steps comprise items 304, 306, and 308). The

examiner notes that in order to keep the system processing mail at a rate of 10 pieces per second, a time comparison with a threshold must be present and set to about 0.1 seconds per mail piece. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the time comparison with a threshold in order to prevent the system from creating a huge backlog of uncoded mail pieces.

Regarding claims 2 and 16, Rosenbaum discloses "sending image data to a video coding buffer before the data is sent to the coding station" (Rosenbaum: column 5, lines 7-9, wherein the buffer is the database which is divided into sections).

Regarding claims 3-4 and 17-18, Rosenbaum discloses "determining whether the video coding station is busy and sending image data to the coding buffer is the station is not busy" (Rosenbaum: column 5, lines 7-23, wherein checking whether the station is busy is checking the priority and availability of the stations. Stations which are busy will not have the image data sent to the corresponding section of the database).

Regarding claims 10 and 19, note the examiners rejection for claim 1, and in addition Rosenbaum discloses "sending image data to a wait queue until a determined release event or timeout occurs" (Rosenbaum: figure 3, column 6, lines 40-45, wherein the wait queue is the holding; column 6, lines 45-55, wherein the release event or timeout is if another method was successful, the image is removed from holding) and "sending information from the wait queue to

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the buffer if a release event occurs" (Rosenbaum: figure 3, column 6, lines 50-57, wherein the release event is other methods not being successful resulting in the image being transferred from holding to the particular section of the database).

Regarding claim 14, Rosenbaum discloses "the article is mail pieces" (Rosenbaum: column 5, lines 7-8).

2. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenbaum et al. (6917009), (hereinafter referred to as "Rosenbaum") in view of Mauduley et al. (5043908), (hereinafter referred to as "Mauduley").

Regarding claims 5 and 20, note the examiners rejection for claim 1, and in addition, claims 5 and 20 differ from claim 1 in that claims 5 and 20 further require the estimated time to be a weighted average response time. Mauduley teaches that there is a need in the prior art for a system that provides up-to-date information for mail pieces (Mauduley: column 2, lines 5-10). To help alleviate this problem, Mauduley discloses "calculating an average response time" (Mauduley: column 2, lines 29-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the processing taught by Mauduley in order to provide up-to-date information regarding mail pieces.

***Allowable Subject Matter***

Claims 6-9 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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TC 2600